

ENCLOSURE 2

*Request to Remove Several Pinal County Air Quality Rules from Consideration for Inclusion in the Arizona
State Implementation Plan*

November 24, 2015.



P I N A L • C O U N T Y
wide open opportunity

November 24, 2015

Jared Blumenfeld, Regional Administrator
U.S. Environmental Protection Agency, Region IX
Mail Code ORA-1
75 Hawthorne St.
San Francisco, CA 94105

c/o Misael Cabrera, Director of Arizona Department of Environmental Quality
c/o Eric Massey, Director of ADEQ Air Quality Division
Mail Code 3415A-1
1110 W. Washington Street
Phoenix, AZ. 85007-2952

Re: Request to remove several Pinal County Air Quality rules from consideration for inclusion in the Arizona State Implementation Plan (SIP)

Dear Mr. Blumenfeld,

A March 18, 2015 letter from Andrew Steckel listed several Pinal County Air Quality rules that were submitted for SIP inclusion on October 7, 1998 and the fact that they interfere with federal Clean Air Act requirements. Subsequently, Pinal County Air Quality conducted an expedited rulemaking in which a revision was made to the "SIP List" in the Pinal County Air Quality code (§1-1-105) when the Pinal County Board of Supervisors formally adopted the proposed revision on August 26, 2015. The SIP list is a declaration by the Board that expressly designates a list of sections within the Pinal County Air Quality Code that are to be presented to the Governor of Arizona for transmittal to the EPA Administrator with a request that they be included as elements in the Arizona SIP.

The August 26, 2015 revision to §1-1-105 formally removed and excluded the several rules listed in the March 18, 2015 Steckel letter from the "SIP List". In addition, Pinal County Air Quality rule §5-21-920 adopted on February 22, 1995 and submitted for SIP inclusion on 11/27/95 was also removed from §1-1-105 and may also be removed from SIP consideration. The purpose of this letter is to request that these several Pinal County Air Quality rules be removed from SIP consideration. The Pinal County rules are listed below.



PINAL COUNTY
wide open opportunity

Pinal County Rule	Adopted	Submitted
§2-2-090. Air quality monitoring procedures	5/14/97	10/7/98
§3-1-150. Monitoring	5/14/97	10/7/98
§3-1-160. Test methods and procedures	5/14/97	10/7/98
§3-1-170. Performance tests	5/14/97	10/7/98
§3-1-173. Quality assurance	5/14/97	10/7/98
§5-21-920. Fossil fuel fired industrial and commercial equipment standard applicability	2/22/95	11/27/95
§5-21-930. Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard	2/22/95	11/27/95

If you have any question, please contact me at the number shown below or Scott DiBiase at (520)866-6969.

Sincerely,

Michael Sundblom

Director

Pinal County Air Quality Control District

(520)866-6915



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the *Register*, they do not conform to the standards specified in

the *Arizona Rulemaking Manual*. With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

Pinal County Air Quality Control District

P. O. Box 987
Florence, AZ 85132

(520) 866-6929 Fax: (520) 866-6967

PINAL COUNTY AIR QUALITY CONTROL DISTRICT**NOTICE OF EXPEDITED RULEMAKING**

PURSUANT TO §49-471.01 *et seq.*

[M15-101]

1. Preamble

- A. The Pinal County Air Quality Control District (PCAQCD), an operating division of Pinal County, proposes that the Board of Supervisors (BOS) adopt or amend certain rules under authority of A.R.S. §§49-479 and 49-480, which respectively authorize the board to adopt rules to control air pollution and to adopt a stationary source permit program.

This expedited rulemaking proposal is taking place to address a State Implementation Plan (SIP) backlog.

Historically the Environmental Protection Agency (EPA) has had significant numbers of SIP submittals nationally which were found to be complete (or deemed complete) but not acted upon by EPA. This is known as the SIP backlog. EPA in coordination with the Environmental Council of the States (ECOS) and National Association of Clean Air Agencies (NACAA) formed a workgroup to streamline the SIP process and address the SIP backlog. EPA has developed four year SIP backlog plans for each region. Since then each EPA Region has met with their respective state and local air quality agencies to coordinate efforts to either act on SIP submittals or have the state or local air quality agencies remove the SIP submittals from EPA consideration.

PCAQCD has a number of rules in the SIP backlog of which six of them are being addressed in this proposal. The other PCAQCD rules in the SIP backlog are mainly involved with New Source Review (NSR) rules and will be addressed in a larger PCAQCD NSR rulemaking proposal in the future.

Andrew Steckel, Chief, Rules Office EPA Region 9 in a March 18, 2015 letter to PCAQCD Director Michael Sundblom described the reasons why the PCAQCD rules (2-2-090. Air quality monitoring procedures, 3-1-150. Monitoring, 3-1-160. Test Methods and procedures, 3-1-170. Performance Tests and 3-1-173. Quality assurance) interfere with federal Clean Air Act requirements and subsequent approval into the SIP. The primary reason hinged on "Director's discretion" language in each of these rules.

EPA has disapproved a number of SIP submitted rules that included "Director's discretion" language. The basis for the disapprovals, "SIP's must clearly state whether EPA approval of such variances is required on a case-by-case basis before such a variance, exemption, or alternative means becomes federally effective.....Provisions....not



requiring case-by-case EPA approval for the alternative means to be federally-effective...must meet the general principle of replicability described in EPA's Emissions Trading Policy Statement [51 FR 43814, December 4, 1986] and also in the EPA document "Guidance Document for Correcting Common VOC & Other Rule Deficiencies (A.K.A. The Little Bluebook)", April 1991, revised August 21, 2001. EPA expects a SIP rule that has Director Discretion should have explicit and replicable procedures within the rule that tightly define how the discretion will be exercised. In this context, the PCAQCD 1995 and 1997 SIP submitted rules lack explicit and replicable procedures which tightly define how the discretion will be exercised. Thus this proposed expedited rulemaking.

The specific affected rules are identified below in section E and include an amendment to §1-1-105.

The proposed rule amendment after adoption by the Pinal County Board of Supervisors will be submitted to the Environmental Protection Agency (EPA) Region 9 through the Arizona Department of Environmental Quality (ADEQ) along with a formal request that the affected rules be removed from consideration for inclusion into the Arizona State Implementation Plan (SIP).

- B. All of the proposed corresponding changes are discussed in subsection E. of this preamble, and include the following sections:

Section Affected

Rulemaking Action

§1-1-105..... Amend

- C. Those wishing further information regarding any aspect of this proposal may contact Scott DiBiase, Planning Manager, Pinal County Air Quality, 31 North Pinal St., Building F, Florence, Arizona, 85132, 520-866-6929, scott.dibiase@pinalcountyz.gov. To the extent possible, the District will also post information on the County's website, pinalcountyz.gov, under the "air quality" link.
- D. Given the obligatory nature of the proposed action, this rule-adoption will follow the expedited rule-making process defined in A.R.S. §49-471.08. Following publication of a notice of expedited rulemaking and a 30-day public comment period (comment period ends at close of business on Monday, July 13, 2015), the proposal along with a summary of any comments received will be submitted to the Board of Supervisors for consideration and possible adoption. The tentative date for the hearing-of-adoption before the Board of Supervisors is Wednesday, August 26, 2015. The final date, time and location for the hearing-of-adoption before the Board of Supervisors will be separately scheduled and noticed in accord with the requirements of A.R.S. §49-479 and 40 C.F.R. §51.102.
- E. The proposed revisions include the following:
1. Add exclusion from EPA consideration into to the Arizona SIP the following PCAQCD rules listed in the PCAQCD "rule" §1-1-105. SIP List. §1-1-105 is not a rule per se but rather a simple listing of PCAQCD rules in which the BOS expressly designates to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA along with a request that they be included as elements in the Arizona SIP.
 - §1-1-105.A.2.b §2-2-090 (as amended 5/14/97)
 - §1-1-105.A.3.a §3-1-150 (as amended 5/14/97)
 - §1-1-105.A.3.a §3-1-160 (as amended 5/14/97)
 - §1-1-105.A.3.a §3-1-170 (as amended 5/14/97)
 - §1-1-105.A.3.a §3-1-173 (as amended 5/14/97)
 2. §1-1-105.D.14 – ~~strikeout §5-21-920 (2/22/95) Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability~~, in order for this particular rule not to be transmitted to EPA and included as an Arizona SIP element.



3. §1-1-105.D.15 – strikeout §5-21-930 (2/22/95 and 7/12/00) Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard, in order for this particular rule not to be transmitted to EPA and included as an Arizona SIP element.

- F. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule. The public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material at 31 North Pinal St., Building F, Florence, Arizona, 85132.

EPA Region 9, March 18, 2015 letter from Andrew Steckel, Chief, Rules Office, Air Division to Michael Sundblom, Director, Pinal County Air Quality.

EPA Region 9, April 13, 2015 email (subject: SIP Backlog) from Andrew Steckel, Chief, Rules Office, Air Division to Michael Sundblom, Director, Pinal County Air Quality.

52 FR 45044, November 24, 1987. Proposed Policy, State Implementation Plans; Approval of Post-1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards.

Guidance Document for Correcting Common VOC & Other Rule Deficiencies (A.K.A. The Little Bluebook), EPA Region IX, Originally issued, April 1991, Revised August 21, 2001.

- G. Economic, small business and consumer impact statement

Given the “at least as stringent” mandate of A.R.S. §49-479, the District has not attempted to assess any added costs associated with the conforming changes discussed in subsection D above.

- H. In accord with A.R.S. §49-471.07(F), the proposed changes will take effect upon approval by the Board of Supervisors.

- I. Compliance with the Fee-limitations of A.R.S. §49-112 (A) or (B).

Based on information and belief, the Director of the Pinal County Air Quality Control District affirms the following:

Initially, the total of the fees and other charges currently assessed in connection with the administration of the County's air quality program do not now equal the cost of program administration. To the extent that both the County and ADEQ impose parallel fees, the County's fees are capped by rule at ADEQ's rates, which implicitly affirms that the County's fees are reasonable. To the extent the County's program affects certain sources that ADEQ either does not regulate or does not charge, these proposed changes do not impose any additional fees on those sources.

- J. Pursuant to A.R.S. 49-471.08(A)(2), Michael Sundblom, the Control Officer for the District, finds that the proposed rule is substantially identical to the sense, meaning and effect of the underlying federal and state mandates (40 CFR §52.21(b)(1)(i)(c)) and Arizona Revised Statutes § 49-480.B.

2. The full text of the proposed changes follows:

1-1-105. SIP list

- A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the



Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1
 - a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
 - b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
 - c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of “maximum achievable control technology.”)
 2. Chapter 2
 - a. Article 1. (As amended 10/12/95).
 - b. Article 2. (As amended 5/14/97), excluding:
 - i. §2-2-090 (as amended 5/14/97)
 - c. Article 3. (As amended 10/12/95).
 - d. Article 4. (As amended 10/12/95).
 - e. Article 5. (As amended 10/12/95).
 - f. Article 6. (As amended 10/12/95).
 - g. Article 7. (As amended 10/12/95).
 - h. Article 8. (As amended 5/18/05, as amended 1/7/09).
 3. Chapter 3
 - a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
 - i. §3-1-020
 - ii. §3-1-045
 - iii. §3-1-080
 - iv. §3-1-100
 - v. §3-1-150 (as amended 5/14/97)
 - vi. §3-1-160 (as amended 5/14/97)
 - vii. §3-1-170 (as amended 5/14/97)
 - viii. §3-1-173 (as amended 5/14/97)
 - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
 - c. Article 3. (As amended 10/12/95).
 - d. Article 8. (As amended 10/12/95 and 10/27/04).
 4. Chapter 4
 - a. Article 1. (As amended 2/22/95).
 - b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
 - c. Reserved.
 - d. Article 4 (As amended 6/3/09).
 - e. Article 5 (As amended 6/3/09).
 - f. Reserved.
 - g. Article 7 (As amended 6/3/09)
 - h. Reserved.
 - i. Article 9, limited to:
 - i. §4-9-320 (As amended 6/3/09)
 - ii. §4-9-340 (As amended 6/3/09)
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
1. “construction,” as defined in Nov. '93 Code §1-3-140.28; or
 2. “modification,” as defined in Nov. '93 Code §1-3-140.85; and
- C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:
1. Operate as elements of the SIP insofar as they pertain to other than “conventional pollutants,” as defined in §1-3-140.33;



2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
 - a. §111 of the Clean Air Act; or
 - b. Title IV of the 1990 amendments to the Clean Air Act; or
 - c. Title VI of the 1990 amendments to the Clean Air Act; or
 - d. Any section of this Code that is not a part of the SIP;
 3. Operate as an element of the SIP, at least insofar as they impose a "fee";
 4. Operate as an element of the SIP, at least insofar as they require a "certification";
 5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
 6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
 7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."
- D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:
1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
 2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
 3. Chapter 3, Article 8 (2/22/95) *Open Burning*
 4. [Reserved]
 5. [Reserved]
 6. [Reserved]
 7. [Reserved]
 8. [Reserved]
 9. [Reserved]
 10. [Reserved]
 11. [Reserved]
 12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
 13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
 14. §5-21-920 (2/22/95) ~~*Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*~~
 15. §5-21-930 (2/22/95 and 7/12/00) ~~*Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*~~
 16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
 17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*
 18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
 19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
 20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
 21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
 22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
 23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
 24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*



Pinal County Air Quality Control District

P. O. Box 987
Florence, AZ 85132

(520) 866-6929 Fax: (520) 866-6967

PINAL COUNTY

NOTICE OF EXPEDITED RULEMAKING DOCKET OPENING

(Ref. A.R.S. §41-1021)

[M15-102]

1. **Title and its heading:** Pinal County Air Quality Control District Code of Regulations
Regulations and headings: Chapter 1. General Provisions and Definitions
Rules and headings: §1-1-105. SIP List

2. **Subject Matter of the Proposed Rule**

The Pinal County Air Quality Control District (PCAQCD) is proposing to amend §1-1-105. SIP List. There are several PCAQCD rules adopted/amended in the 1990s and subsequently submitted to the EPA through the Arizona Department of Environmental Quality (ADEQ) with a request that they be included in the Arizona State Implementation Plan (SIP). Unfortunately, the SIP submittal wasn't acted on by EPA Region 9 and has subsequently been included in their "SIP Backlog."

EPA is in the process of addressing their SIP Backlog and has informed PCAQCD that they plan on disapproving several PCAQCD rules submitted in the 1990s due to "Director's Discretion" language. In order to address the potential EPA disapproval and the SIP Backlog, PCAQCD will be conducting an expedited rulemaking.

The proposed rule amendment after adoption by the Pinal County Board of Supervisors will be submitted to the Environmental Protection Agency (EPA) Region 9 through ADEQ along with a formal request that PCAQCD rules §§2-2-090, 3-1-150, 3-1-160, 3-1-170, 3-1-173 (as amended 5/14/97); 5-21-920 and 5-21-930 (as amended 2/22/95); 5-21-930 (also as amended 7/12/00) be removed from consideration for inclusion into the Arizona State Implementation Plan (SIP).

Also as part of this rulemaking, Pinal County may add, delete or modify additional rules as necessary.

3. **Prior Related Notices**

See Notice of Expedited Rulemaking in this issue.

4. **Contact Information**

Those wishing for further information regarding any aspect of this proposal may contact:

Name: Scott DiBiase,
Title: Air Quality Planning Manager
Address: Pinal County Air Quality
31 North Pinal St., Building F
Florence, AZ 85132
Telephone: 520-866-6929
Fax: 520-866-6967
E-mail: scott.dibiase@pinalcountyz.gov

To the extent possible, the District will also post information on the County's website, www.pinalcountyz.gov, under the "air quality" link.

5. **Opportunity for Written or Oral Comments**

The District will publish a Notice of Expedited Rulemaking that will define a formal timetable for submittal of written comments. At any time prior to the close of that to-be-defined comment period, anyone may seek information or submit comments by contacting the Planning Manager at the address, phone number or email shown above. Ultimately, the public will also have an opportunity to offer comment in the public hearing before the Board of Supervisors.



6. Anticipated Timetable

See Notice of Expedited Rulemaking in this issue.



PINAL COUNTY

Wide open opportunity

AGENDA ITEM

August 26, 2015

ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

RECEIVED

SEP 11 2015

PINAL COUNTY AIR QUALITY

REQUESTED BY: Greg Stanley

Funds #: 86

Dept. #: 3140180

Dept. Name: Air Quality

Director: Mike Sundblom

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Public Hearing and discussion/approval/disapproval of Resolution No. 082615-AQ1, a resolution pursuant to Title 49 of the Arizona Revised Statutes, involving proposed changes to local air quality rules. The proposed changes are taking place to amend PCAQCD Code of Regulations §1-1-105 and thereby retract portions of that section from EPA consideration as part of the Arizona SIP. Required notices have been published, posted and e-mailed, and the full text of the proposed changes was published in the Arizona Administrative Register on June 5, 2015. The Board may choose to adopt the resolution, approving all, part or none of the proposed changes.

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

There are no fiscal impacts associated with the proposed Pinal County Air Quality rule changes.

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

There are no expected performance impacts associated with the proposed Pinal County Air Quality rule changes.

MOTION:

Approve Resolution No. 082615-AQ1

History

Time	Who	Approval
8/14/2015 11:57 AM	County Attorney	Yes
8/14/2015 12:05 PM	Air Quality	Yes
8/14/2015 1:39 PM	County Manager	Yes
8/18/2015 2:00 PM	Clerk of the Board	Yes

ATTACHMENTS:

Click to download

- ☐ [AAR Notice](#)
- ☐ [Board Resolution](#)

APPROVED this 26 day of August 2015

Cheryl Chase
Chairman, Pinal County Board of Supervisors
ATTEST Shen Cluff
CLERK

When recorded return to:
Clerk of the Board
Pinal County
P.O. Box 827
Florence, Arizona 85232

PINAL COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 082615-AQ1
PINAL COUNTY AIR QUALITY CONTROL DISTRICT

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ADOPTING CERTAIN REVISIONS TO THE PINAL COUNTY AIR QUALITY CONTROL DISTRICT RULES AND REQUESTING THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY SUBMIT A REQUEST FOR REMOVAL OF CONSIDERATION OF SEVERAL PREVIOUSLY ADOPTED RULES AS ELEMENTS OF THE ARIZONA STATE IMPLEMENTATION PLAN.

WHEREAS, the Pinal County Board of Supervisors ("Board") is empowered under A.R.S. §49-479 to adopt rules for the purpose of controlling the release of air contaminants within the County;

WHEREAS, historically the Board has approved local rules which were also approved for submittal to EPA for inclusion in the Arizona State Implementation Plan (SIP);

WHEREAS, EPA hasn't acted on a number of them, in particular rules that were adopted by the Board in the 1990s;

WHEREAS, recently EPA has contacted Pinal County Air Quality Control District to inform the Department that some of the SIP submittal rules are unprovable in their current form;

WHEREAS, Andrew Steckel, Chief, Rules Office EPA Region 9 in a March 18, 2015 letter to PCAQCD Director Michael Sundblom described the reasons why the PCAQCD rules (2-2-090. Air quality monitoring procedures, 3-1-150. Monitoring, 3-1-160. Test Methods and procedures, 3-1-170. Performance Tests and 3-1-173. Quality assurance) interfere with federal Clean Air Act requirements and subsequent approval

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into the SIP. The primary reason hinged on "Director's discretion" language in each of these rules;

WHEREAS, changes to Pinal County Air Quality Control District Regulation (PCAQCD) § 1-1-105 were proposed in response to the EPA March 18, 2015 letter in the Arizona Administrative Register at 21 A.A.A. 802 (6/5/15);

WHEREAS, this proposed rulemaking isn't changing any substantive air quality rule but rather the "SIP List" in § 1-1-105 (which is a declaration of the Board rather than a rule that expressly designates which PCAQCD rules are to be transmitted to EPA for inclusion in the SIP) is proposed to be changed;

WHEREAS, to the extent applicable, the District has complied with the notice-publication and other public notification requirements of A.R.S. §§49-471.04 and 49-479, and 40 C.F.R. §51-102, including a notice of proposed expedited rulemaking published at 21 A.A.R. 802 (6/5/15);

WHEREAS, the elements of the final proposed changes in the County's air quality rules are set forth below in full;

THEREFORE, FOR THE PURPOSE OF PROTECTING AND PRESERVING THE QUALITY OF AIR WITHIN THE COUNTY IN A SENSIBLE AND ORDERLY MANNER, IT IS HEREBY RESOLVED BY THE BOARD TO:

1. Adopt the following revisions, additions and deletions to the Pinal County Air Quality Control District Code of Regulations, the full text of which follows the indicated field markers.

1-1-105. SIP list

A. As a declaration of Board policy rather than a rule, and subject to the limitations of paragraphs B. and C. of this section, the Board of Supervisors expressly designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP:

1. Chapter 1

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- a. Article 1.(As amended 5/14/97 and 5/27/98), except for §§1-1-105 and 1-1-107.
 - b. Article 2 (As amended 5/14/97 and 7/12/00) except for §1-2-110.
 - c. Article 3. (As amended 5/14/97, 5/27/98 and 10/27/04, 07/23/14, except for §1-3-130 and the definition in §1-3-140.82 (10/12/95) of "maximum achievable control technology.")
2. Chapter 2
- a. Article 1. (As amended 10/12/95).
 - b. Article 2. (As amended 5/14/97), excluding:
 - i. §2-2-090 (as amended 5/14/97)
 - c. Article 3. (As amended 10/12/95).
 - d. Article 4. (As amended 10/12/95).
 - e. Article 5. (As amended 10/12/95).
 - f. Article 6. (As amended 10/12/95).
 - g. Article 7. (As amended 10/12/95).
 - h. Article 8. (As amended 5/18/05, as amended 1/7/09).
3. Chapter 3
- a. Article 1. (As amended 5/14/97, and 5/27/98 and 7/12/00), excluding:
 - i. §3-1-020
 - ii. §3-1-045
 - iii. §3-1-080
 - iv. §3-1-100
 - v. §3-1-150 (as amended 5/14/97)
 - vi. §3-1-160 (as amended 5/14/97)
 - vii. §3-1-170 (as amended 5/14/97)
 - viii. §3-1-173 (as amended 5/14/97)
 - b. Article 2. (As amended 10/12/95, 5/27/98 and 7/29/98).
 - c. Article 3. (As amended 10/12/95).
 - d. Article 8. (As amended 10/12/95 and 10/27/04).
4. Chapter 4
- a. Article 1. (As amended 2/22/95).
 - b. Article 2. (As amended 5/14/97, 7/12/00, 12/4/02 and 10/27/04).
 - c. Reserved.
 - d. Article 4 (As amended 6/3/09).
 - e. Article 5 (As amended 6/3/09).
 - f. Reserved.
 - g. Article 7 (As amended 6/3/09)
 - h. Reserved.
 - i. Article 9, limited to:
 - i. §4-9-320 (As amended 6/3/09)
 - ii. §4-9-340 (As amended 6/3/09)
- B. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, those provisions, save §3-1-084 which shall be expressly exempted from the limitation of this paragraph, shall operate as elements of the SIP only insofar as they pertain to:
- 1. "construction," as defined in Nov. '93 Code §1-3-140.28; or
 - 2. "modification," as defined in Nov. '93 Code §1-3-140.85; and
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C. Notwithstanding the approval as elements of the SIP of those provisions of the Code identified in paragraph A of this section, neither those provisions nor any permit conditions imposed pursuant to those provisions shall:

1. Operate as elements of the SIP insofar as they pertain to other than "conventional pollutants," as defined in §1-3-140.33;
2. Operate as elements of the SIP insofar as they pertain only to a requirement arising under, or pertain to a source subject to regulation exclusively by virtue of a requirement arising under:
 - a. §111 of the Clean Air Act; or
 - b. Title IV of the 1990 amendments to the Clean Air Act; or
 - c. Title VI of the 1990 amendments to the Clean Air Act; or
 - d. Any section of this Code that is not a part of the SIP;
3. Operate as an element of the SIP, at least insofar as they impose a "fee";
4. Operate as an element of the SIP, at least insofar as they require a "certification";
5. Operate as an element of the SIP, at least insofar as they impose obligations pertaining to "renewals";
6. Operate as an element of the SIP, at least insofar as they impose requirements regarding "excess emissions"; or
7. Operate as an element of the SIP, at least insofar as they impose requirements regarding "compliance plans."

D. As a renumbering and reconciliation of previously approved SIP provisions as elements of this Code, the Board of Supervisors additionally designates the following list of sections within this Code, to be presented to the Governor of Arizona for transmittal to the Administrator of the EPA with a request that they be included as elements in the Arizona SIP without operational limitation:

1. §§1-1-010.C (2/22/95) and 1-1-010.D (2/22/95) *Declaration of Policy*
2. Chapter 2, Article 8 (As amended 1/7/09) *Visibility Limiting Standard*
3. Chapter 3, Article 8 (2/22/95) *Open Burning*
4. [Reserved]
5. [Reserved]
6. [Reserved]
7. [Reserved]
8. [Reserved]
9. [Reserved]
10. [Reserved]
11. [Reserved]
12. §5-18-740 (2/22/95) *Storage of Organic Compounds - Organic Compound Emissions*
13. §5-19-800 (2/22/95) *Loading of Volatile Organic Compounds - Organic Compound Emissions*
14. ~~§5-21-920 (2/22/95) *Fossil Fuel Fired Industrial and Commercial Equipment Standard Applicability*~~
15. ~~§5-21-930 (2/22/95 and 7/12/00) *Fossil Fuel Fired Industrial and Commercial Equipment Particulate Emission Standard*~~
16. §5-22-950 (2/22/95) *Fossil Fuel Fired Steam Generator Standard Applicability*
17. §5-22-960 (2/22/95) *Fossil Fuel Fired Steam Generator Sulfur Dioxide Emission Limitation*

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18. §5-24-1030.F (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Organic Compound Emissions*
19. §5-24-1030.I (2/22/95) *Generally Applicable Federally Enforceable Minimum Standard of Performance - Carbon Monoxide*
20. §5-24-1032 (2/22/95) *Federally Enforceable Minimum Standard of Performance - Process Particulate Emissions*
21. §5-24-1040 (2/22/95) *Carbon Monoxide Emissions - Industrial Processes*
22. §5-24-1045 (2/22/95) *Sulfite Pulp Mills - Sulfur Compound Emissions*
23. §5-24-1050 (2/22/95, as amended June 20, 1996) *Reduced Sulfur Emissions - Default Limitation*
24. §5-24-1055 (2/22/95) *Pumps and Compressors - Organic Compound Emissions*

IN WITNESS WHEREOF, the undersigned, in accord with the vote of the Pinal County Board of Supervisors as duly reflected in the minutes of the Board meeting, have executed this document on behalf of the Board of Supervisors on this 26th day of August, 2015.

PINAL COUNTY, a political subdivision of the State of Arizona,



By:

Cheryl Chase

Chairwoman of the Board of Supervisors

ATTEST:

Shirley Cleff

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Lando Voyles
Pinal County Attorney

By:

Kevin S. H.

Deputy County Attorney

